

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF TEXAS
SHERMAN DIVISION**

TURBOCODE LLC,

Plaintiff,

v.

ADVANTECH CO., LTD.,

Defendant.

C.A. No. 4:24-cv-524-SDJ

JURY TRIAL DEMANDED

PATENT CASE

VERIFIED PETITION REGARDING SERVICE OF SUMMONS AND COMPLAINT

Plaintiff TurboCode LLC (“TurboCode”) respectfully submits this verified petition in response to the Court’s Notice of Impending Dismissal (Dkt. No. 6) requiring TurboCode to file a Notice of Verified Petition no later than September 5, 2024.

Defendant Advantech Co., Ltd. (“Advantech”) is a Taiwanese company with its headquarters located in Taipei, Taiwan. (Dkt. No. 1 at ¶2). Taiwan is not a signatory of the Hague Convention. (<https://travel.state.gov/content/travel/en/legal/Judicial-Assistance-Country-Information/Taiwan.html#:~:text=Service%20of%20process%20in%20Taiwan,travel%20officer%20at%20the%20AIT.>).

Service of process in Taiwan can be effected by means including international registered mail/return receipt requested. The 90-day time limit for service does not apply to service on a defendant in a foreign country. Rule 4(m), Fed.R.Civ.P.

TurboCode has been attempting multiple methods for service upon Advantech Co., Ltd. (“Advantech”). The Complaint was filed on June 7, 2024. (Dkt. No. 1). First, on June 20, 2024, pursuant to Rule 4(f)(2)(C)(ii), Fed.R.Civ.P. (in accordance with Rule 4(h)(2), Fed.R.Civ.P.), the Clerk for the U.S. District Court for the Eastern District of Texas, Sherman Division, sent a FedEx package requiring signature containing the summons and complaint to Advantech addressed to

Advantech's corporate headquarters in Taiwan. On July 2, 2024, Advantech refused delivery, and the FedEx package was returned.

Second, on July 15, 2024, pursuant to Rule 4(f)(2)(A), Fed.R.Civ.P., TurboCode sent the summons and complaint by first class international registered mail, return receipt requested to Advantech's headquarters in Taiwan. As of September 4, 2024, TurboCode has not received the return receipt confirming delivery.

Third, on August 22, 2024, TurboCode sent the summons and complaint using United States Postal Service Priority Mail Express International to Advantech's headquarters in Taiwan. The package was delivered to Advantech on August 26, 2024. TurboCode has not received any communication from Advantech.

TurboCode has been attempting service on Advantech through multiple methods and Advantech appears to be avoiding service. There is good cause for TurboCode being unable to effectuate service on a foreign entity located in a country that is not a signature to the Hague Convention. TurboCode therefore respectfully requests that the Court grant TurboCode additional time to confirm service of the summons and complaint. In the alternative, pursuant to Rule 4(f)(3), Fed.R.Civ.P., TurboCode requests that the Court find that service has been effected on Advantech by other means not prohibited by international law through sending the summons and complaint using United States Postal Service Priority Mail Express International on August 26, 2024. TurboCode therefore respectfully requests that the case not be dismissed.

September 5, 2024

DIRECTION IP LAW

/s/ David R. Bennett

David R. Bennett

Direction IP Law

P.O. Box 14184

Chicago, IL 60614-0184

(312) 291-1667

dbennett@directionip.com

Attorneys for Plaintiff

TurboCode LLC

CERTIFICATE OF SERVICE

I hereby certify that on September 5, 2024, I electronically filed the above documents with the Clerk of Court using CM/ECF which will send electronic notification of such filings to all registered counsel.

/s/ David R. Bennett
David R. Bennett